

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:14-cr-00107-RJC

USA )  
 ) ORDER  
vs. )  
 )  
DOMINIC SMITH )  
 )

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**THIS MATTER** is before the Court upon letters of the defendant pro se requesting a reduction of his restitution amount. (Doc. Nos. 42, 45).

On November 16, 2015, the Court ordered Mr. Smith to pay \$724,408.79 in restitution to numerous victims based on his involvement in wire fraud in connection with telemarketing. (Doc. No. 29: Amended Judgment at 4-5). The Court gave notice that other defendants could be held jointly and severally liable for all or part of Mr. Smith's restitution obligation and ordered that Mr. Smith's liability for restitution would cease when a victim received full restitution. (Id. at 5).

On February 17, 2017, the Court ordered Felecia R. Lindo to pay \$292,900 in restitution based on her involvement in wire fraud in connection with telemarketing. (Case No. 3:16-cr-224, Doc. No. 47: Judgment at 4). The Court gave notice in her case also that other defendants could be held jointly and severally liable for all or part of Ms. Lindo's restitution obligation and ordered that her liability for restitution would cease when a victim received full restitution. (Id. at 5). Although the three victims in Ms. Lindo's Judgment are among the victims in Mr.

Smith's Judgment, the Court did not specifically order that she was jointly and severally liable for restitution with him.

In the instant letters, Mr. Smith suggests that his restitution amount should be reduced based on the subsequent sentencing of Ms. Lindo. (Doc. No. 42 at 1). However, joint and several liability means that each of Mr. Smith and Ms. Lindo is individually responsible for the full amount of restitution ordered. See Liability, Joint and Several Liability, Black's Law Dictionary (8th ed. 2004). Mr. Smith's obligation would only be reduced if and when a victim receives full restitution. (Doc. No. 29: Amended Judgment at 5). Because he has not shown that any victim has received full restitution, he is not eligible for a reduction at this time.

**IT IS, THEREFORE, ORDERED**, that the defendant's requests to reduce his restitution amount, (Doc. No. 42, 45), are **DENIED without prejudice**.

Signed: March 2, 2021

  
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Robert J. Conrad, Jr.  
United States District Judge  
